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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,707	06/20/2006	Mark Gilmore Mears	PU030311	3487
24498 7590 08/17/2010 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312				
EXAMINER WENDMAGEGN, GIRUMSEW				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 08/17/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,707

Applicant(s)

MEARS ET AL.

Examiner

GIRUMSEW WENDMAGEGN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kendall et al (Pub No US 2003/0202776).

Regarding claim1, 10, Kendall discloses a method for controlling a video signal processing apparatus, comprising the steps of: selecting a first video channel from a plurality of video channels in response to user input corresponding to a channel selection command using one of a channel scan mode and a direct channel selection mode (see paragraph 0028, fig.2 step 202); transferring a program signal received via a selected digital video channel I to a storage device in response to activation of a digital recording mode (see paragraph 0028, fig.2 step 202 and 204); selecting a new one of the plurality of digital video channels and analog video channels in response to the user input while in the digital recording mode (see paragraph 0028), wherein if the channel scan mode is used while in the digital recording mode, selecting a next digital

video channel in the channel scan sequence , and maintaining the digital recording mode (see paragraph 0028) but does not teach skipping any intervening analog video channels between a currently selected video channel and the next digital video channel in the scan sequence. However it is old and well known in the art that the user can perform skipping analog channel while recording in digital mode using the remote control device. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to skip analog video channels using remote control device in order to avoid digital mode record interruption.

Regarding claim2, 11, Kendall teaches if the selected channel corresponds to a digital video channel, selecting the digital video channel and maintaining the digital recording mode (see paragraph 0028) but does not teach if the selected channel corresponds to an analog video channel, selecting the analog video channel and terminating the digital recoding mode. However the user is able to terminate the digital recording if analog channel is selected. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to terminate the digital recording mode such that the system switches to the analog tuner in order to output analog channel.

Regarding claim3, 12, Kendall teaches the method according to claim 2, wherein the digital recording mode is initiated in response to user selection of predetermined keys on a user input device (see paragraph 0014, remote controller).

Regarding claim4, 13, Kendall teaches the method according to claim 2, wherein the digital recording mode is initiated in response to user selection of a digital video signal channel (see paragraph 0014, 0028).

Regarding claim5, 14, Kendall teaches the method according to claim 2, wherein the program signal is stored in a designated buffer in the storage device (see paragraph 0019, "storing the A/V data on buffer storage").

Regarding claim6, 15, Kendall teaches the method according to claim 5, wherein the storage device comprises a hard disk device coupled to the television apparatus via the IEEE 1394 bus (see paragraph 0021, HDD).

Regarding claim7, 16, Kendall teaches the method according to claim 5, wherein the digital video channels are designated by respective major and minor channel numbers, and wherein if the newly selected video channel corresponds to a sub-channel having a new major channel number, deleting any program signals stored in the designated buffer (see paragraph 0005).

Regarding claim 8, 17, Kendall teaches the method according to claim 5, further comprising the step of determining whether PID filtering is enabled, and if so, deleting any program signals stored in the designated buffer upon selection of a new digital video channel (see paragraph 0031).

Regarding claim 9, 18, Kendall teaches the method according to claim 5, further comprising the step of determining whether PID filtering is enabled, and if not, and wherein the digital video channels are designated by respective major and minor channel numbers, deleting any program signals stored in the designated buffer only when the newly selected digital video channel corresponds to a sub-channel having a new major channel number (see paragraph 0005, 0031).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621